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RHEFDIA/DIA WASHINGTON DC
RHEHAAA/NSC WASHINGTON DC
RHMCUU/CJTF HOA
RHMFSS/CDR USAFRICOM STUTTGART GE
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RUEHDJ/AMEMBASSY DJIBOUTI

C O N F I D E N T I A L SECTION 01 OF 02 DJIBOUTI 000176

SIPDIS
SBU DELIBERATIVE PROCESS
DEPARTMENT FOR AF, AF/E, AF/RSA AND PM
AFRICOM AND CJTF-HOA FOR POLAD
LONDON, PARIS, ROME FOR AFRICA-WATCHER

E.O. 12958: DECL: 2019-01-15
TAGS: **PREL PNSA MOPS KJUS DJ SO KE**
SUBJECT: SOMALI PIRACY: DJIBOUTI FOREIGN MINISTER REAFFIRMS
CONCURRENCE TO TRANSFER SUSPECTED PIRATES

REF: DJIBOUTI 156; DJIBOUTI 116; DJIBOUTI 27; DJIBOUTI 16

DJIBOUTI 00000176 001.2 OF 002

CLASSIFIED BY: Eric M. Wong, DCM, U.S. Department of State, U.S.
Embassy, Djibouti; REASON: 1.4(B), (D)

¶1. (C) In a March 11 meeting with Ambassador and DCM, Foreign Minister Mohamed Ali Youssouf and MFA Director of Bilateral Relations Mohamed Ali Hassan reaffirmed the Government of Djibouti's concurrence to allow the USG to transit suspected pirates by air, via Djibouti, en route to Kenya for prosecution.

¶2. (U) FM Youssouf highlighted Djibouti's adherence to international accords on counter-piracy—including the 1988 Convention For the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA), relevant UNSC resolutions, and the "Djibouti Code of Conduct" adopted at the January 26-29 IMO conference hosted by Djibouti. While reiterating that Djibouti currently lacked the juridical means or infrastructure to prosecute or detain pirates, he underscored Djibouti's commitment to support counter-piracy, just as Djibouti supported counter-terrorism.

¶3. (C) FM Youssouf reiterated (ref B) that the Government of Djibouti's concurrence to allow the USG to transit suspected pirates depended on the following caveats:

- a.) That suspected pirates remain entirely in U.S. custody;
- b.) That any transfer be immediate (i.e., from inbound helicopter to outbound fixed-wing, with as little time as possible spent on the ground in Djibouti); and
- c.) That transfers be done with no publicity of Djibouti's role.

FM REQUESTS USG RETAIN CUSTODY OF PIRATES

¶4. (C) Ambassador explained that the USG would notify the GODJ in advance of any transfers. Every precaution would be taken in planning these operations, to ensure a rapid transfer of the suspected pirates upon arrival from naval vessels to aircraft, for onward transport to Kenya. In the unlikely event that a suspected pirate had to remain in Djibouti overnight, the USG would immediately notify the GODJ. FM Youssouf emphasized that the suspected pirates must remain in USG custody at all times during the transfer.

PASSIVE STRATCOM: AVOID PUBLICITY

¶5. (C) Ambassador probed the FM's earlier statement (ref B) on the need to avoid any publicity of Djibouti's role, noting that while we would seek to minimize attention to these transfers, it was unlikely that Djibouti's role could be kept secret. Not only were there many media organizations covering the piracy issue, but the suspected pirates were being transferred to face public prosecution, in which the circumstances of their transfer would

DJIBOUTI 00000176 002.2 OF 002

probably be revealed. FM Youssouf noted that activities related to Somalia remained sensitive for Djibouti, which had been applying pressure for more than 20 years to promote Somali reconciliation. Nevertheless, he acknowledged that given high media interest in piracy, international media would likely report on pirate transfers, which risked mentioning Djibouti. While seeking to minimize any attention to Djibouti, FM Youssouf did not anticipate or expect its role could be kept secret.

NO ASYLUM IN DJIBOUTI FOR SUSPECTED PIRATES

¶6. (C) Asked how the GODJ would address potential asylum claims--in the event that suspected pirates requested asylum from Djibouti, while being transferred in Djibouti--FM Youssouf stated categorically that the GODJ would not provide asylum to pirates. Such individuals were pirates, not political prisoners, he said.

¶7. (C) COMMENT. The Foreign Minister's reaffirmation of Djibouti's willingness to accept suspected pirates for transfer by air, reflects the GODJ's strong support for counter-piracy efforts, despite political sensitivities arising from being a predominantly ethnic Somali society. His statements to us constitute policy-level concurrence by the GODJ for short-turnaround, no-active-publicity, USG-custody transfer of pirates through Djibouti. END COMMENT.
SWAN

To view the entire SMART message, go to URL http://repository.state.sgov.gov/_layouts/OSS_SearchResults.aspx?k=messageid:9c33a5d2-1786-49f9-b6